

**U.S. District Court**  
**Southern District of California (San Diego)**  
**CIVIL DOCKET FOR CASE #: 3:12-cv-02928-BEN-RBB**

Gametek LLC v. Funzio, Inc. et al  
Assigned to: Judge Roger T. Benitez  
Referred to: Magistrate Judge Ruben B. Brooks  
Cause: 35:271 Patent Infringement

Date Filed: 12/10/2012  
Date Terminated: 06/28/2013  
Jury Demand: Plaintiff  
Nature of Suit: 830 Patent  
Jurisdiction: Federal Question

Early Neutral Evaluation Conference:  
Case Management Conference:  
Status Hearing:  
Status Conference:  
Mandatory Settlement Conference:

Settlement Conference:  
Settlement Disposition Conference:  
Pretrial Conference:  
Final Pretrial Conference:  
Trial Date:

**Plaintiff**

**Gametek LLC**

represented by **John J. Edmonds**  
Collins Edmonds & Pogorzelski Schlather  
& Tower, PLLC  
1851 East First Street  
Suite 900  
Santa Ana, CA 92705  
951-708-1237  
Fax: 951-824-7901  
Email: jedmonds@cepiplaw.com  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Johnathan K. Yazdani**  
Collins Edmonds Pogorzelski Schlather & Tower  
PLLC  
1616 S. Voss Road  
Suite 125  
Houston, TX 77057  
281-501-3425  
Fax: 832-415-2535  
Email: jyazdani@cepiplaw.com  
*LEAD ATTORNEY*  
*PRO HAC VICE*  
*ATTORNEY TO BE NOTICED*

**Stephen F. Schlather**  
Collins Edmonds Pogorzelski Schlather & Tower  
PLLC  
1616 S. Voss Road  
Suite 125  
Houston, TX 77057  
713-364-2371  
Fax: 832-415-2535  
Email: sschlather@cepiplaw.com  
*LEAD ATTORNEY*

*PRO HAC VICE  
ATTORNEY TO BE NOTICED*

V.

**Defendant**

**Funzio, Inc.**

represented by **Jason C. Lo**

Gibson Dunn &Crutcher LLP  
333 South Grand Avenue  
Suite 4700  
Los Angeles, CA 90071  
213-229-7153  
Fax: 213-229-6153  
Email: jlo@gibsondunn.com  
*LEAD ATTORNEY  
ATTORNEY TO BE NOTICED*

**Wayne Mitchell Barsky**

Gibson Dunn and Crutcher LLP  
2029 Century Park East  
Suite 4000  
Los Angeles, CA 90067-3026  
(310)552-8183  
Email: wbarsky@gibsondunn.com  
*LEAD ATTORNEY  
ATTORNEY TO BE NOTICED*

**Cassandra Gaedt**

Gibson, Dunn &Crutcher LLP  
333 So. Grand Avenue  
Los Angeles, CA 90071  
213-229-7353  
Fax: 213-229-6353  
Email: cgaedt@gibsondunn.com  
*ATTORNEY TO BE NOTICED*

**Jordan H. Bekier**

Gibson, Dunn &Crutcher LLP  
333 So. Grand Avenue  
Los Angeles, CA 90071  
(213) 229-7736  
Fax: (213) 229-6736  
Email: jbekier@gibsondunn.com  
*ATTORNEY TO BE NOTICED*

**Spencer Winston Ririe**

Gibson, Dunn &Crutcher LLP  
3161 Michelson Drive  
Irvine, CA 92612  
(949)451-3800  
Fax: (949)451-4220  
Email: sririe@gibsondunn.com  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Funzio USA, Inc.**

represented by **Jason C. Lo**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Wayne Mitchell Barsky**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Cassandra Gaedt**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Jordan H. Bekier**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Spencer Winston Ririe**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Gree International, Inc.**

represented by **Jason C. Lo**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Wayne Mitchell Barsky**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Cassandra Gaedt**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Jordan H. Bekier**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Spencer Winston Ririe**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Counter Claimant**

**Funzio USA, Inc.**

represented by **Jason C. Lo**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Wayne Mitchell Barsky**

(See above for address)

*LEAD ATTORNEY*

*ATTORNEY TO BE NOTICED*

**Cassandra Gaedt**

(See above for address)

*ATTORNEY TO BE NOTICED*

**Jordan H. Bekier**

(See above for address)

*ATTORNEY TO BE NOTICED*

**Counter Claimant**

**Funzio, Inc.**

represented by **Jason C. Lo**

(See above for address)

*LEAD ATTORNEY*

*ATTORNEY TO BE NOTICED*

**Wayne Mitchell Barsky**

(See above for address)

*LEAD ATTORNEY*

*ATTORNEY TO BE NOTICED*

**Cassandra Gaedt**

(See above for address)

*ATTORNEY TO BE NOTICED*

**Jordan H. Bekier**

(See above for address)

*ATTORNEY TO BE NOTICED*

**Counter Claimant**

**Gree International, Inc.**

represented by **Jason C. Lo**

(See above for address)

*LEAD ATTORNEY*

*ATTORNEY TO BE NOTICED*

**Wayne Mitchell Barsky**

(See above for address)

*LEAD ATTORNEY*

*ATTORNEY TO BE NOTICED*

**Cassandra Gaedt**

(See above for address)

*ATTORNEY TO BE NOTICED*

**Jordan H. Bekier**

(See above for address)

*ATTORNEY TO BE NOTICED*

**Counter Defendant****Gametek LLC**represented by **John J. Edmonds**

(See above for address)

*LEAD ATTORNEY**ATTORNEY TO BE NOTICED***Johnathan K. Yazdani**

(See above for address)

*LEAD ATTORNEY**PRO HAC VICE**ATTORNEY TO BE NOTICED***Stephen F. Schlather**

(See above for address)

*LEAD ATTORNEY**PRO HAC VICE**ATTORNEY TO BE NOTICED*

Date Filed	#	Docket Text
12/10/2012	<u>1</u>	COMPLAINT with Jury Demand against Funzio USA, Inc., Funzio, Inc., Gree International, Inc. (filing fee \$350 receipt number 0974-5420326), filed by Gametek LLC. (Attachments: # <u>1</u> Civil Case Cover Sheet, # <u>2</u> Attachment to Cover Sheet).  The new case number is 3:12-cv-2928-BTM-BLM. Judge Barry Ted Moskowitz and Magistrate Judge Barbara Lynn Major are assigned to the case. (Edmonds, John)(dls) \ (cap). (Entered: 12/10/2012)
12/10/2012	<u>2</u>	Summons Issued. <b>Counsel receiving this notice electronically should print this summons and serve it in accordance with Rule 4, Fed.R.Civ.P and LR 4.1.</b> (dls) (cap). (Entered: 12/10/2012)
12/10/2012	<u>3</u>	REPORT on the filing or determination of an action regarding patent and/or trademark number(s) *7,076,445* cc: USPTO. (dls) (cap). (Entered: 12/10/2012)
12/10/2012	<u>4</u>	Minute Order: Judge Barry Ted Moskowitz has declined assignment pursuant to General Order 598. Judge Dana M. Sabraw is now assigned to the case. The new case number is 12cv2928-DMS(BLM) (no document attached) (tel) (Entered: 12/10/2012)
12/11/2012	<u>5</u>	NOTICE OF RELATED CASE(S) by Gametek LLC of case(s) 3:12-cv-00500, 3:12-cv-00501, 3:12-cv-00502, 3:12-cv-00503, 3:12-cv-06184, 3:12-cv-02927, 3:12-cv-02930, 3:12-cv-02931, 3:12-cv-02933, 3:12-cv-02934, 3:12-cv-02936, 3:12-cv-02937 . (Edmonds, John) (aef). Modified on 12/12/2012-Low Number Order prepared (aef). (Entered: 12/11/2012)
12/20/2012	<u>6</u>	ORDER OF TRANSFER PURSUANT TO LOW NUMBER RULE. Case reassigned to Judge Roger T. Benitez and Magistrate Judge Ruben B. Brooks for all further proceedings. Judge Dana M. Sabraw, Magistrate Judge Barbara Lynn Major no longer assigned to case. The new case number is 12-cv-2928-BEN-RBB. Signed by Judge Dana M. Sabraw on 12/20/2012. Signed by Judge Roger T. Benitez on 12/14/2012.(srm)(jrd) (Entered: 12/20/2012)
01/07/2013	<u>7</u>	NOTICE of Appearance by Cassandra Gaedt on behalf of Funzio USA, Inc., Funzio, Inc. (Gaedt, Cassandra) (knb). (Entered: 01/07/2013)
01/07/2013	<u>8</u>	

		NOTICE of Appearance by Jason C. Lo on behalf of Funzio USA, Inc., Funzio, Inc., Gree International, Inc. (Lo, Jason) (knb). (Entered: 01/07/2013)
01/07/2013	<u>9</u>	ANSWER to <u>1</u> Complaint, with Jury Demand , COUNTERCLAIM against Gametek LLC by Funzio USA, Inc., Funzio, Inc., Gree International, Inc.(Lo, Jason) (knb). (Entered: 01/07/2013)
01/07/2013	<u>10</u>	NOTICE of Appearance by Cassandra Gaedt on behalf of Gree International, Inc. (Gaedt, Cassandra) (knb). (Entered: 01/07/2013)
01/08/2013	<u>11</u>	NOTICE of Appearance by Jordan H. Bekier on behalf of Funzio USA, Inc., Funzio, Inc., Gree International, Inc. (Bekier, Jordan) (srm). (Entered: 01/08/2013)
01/16/2013	<u>12</u>	NOTICE AND ORDER for Early Neutral Evaluation Conference. Early Neutral Evaluation set for 2/20/2013 01:30 PM in chambers before Magistrate Judge Ruben B. Brooks, United States Courthouse, 221 West Broadway, #1185, San Diego, California. Signed by Magistrate Judge Ruben B. Brooks on 1/16/2013.(knb) (Entered: 01/16/2013)
01/28/2013	<u>13</u>	<i>Plaintiff Gametek LLC</i> ANSWER to <u>9</u> Answer to Complaint, Counterclaim <i>Funzio's Counterclaims</i> by Gametek LLC.(Edmonds, John) (knb). (Entered: 01/28/2013)
01/31/2013	<u>14</u>	NOTICE of Appearance by Wayne Mitchell Barsky on behalf of Funzio USA, Inc., Funzio, Inc., Gree International, Inc. (Barsky, Wayne) (knb). (Entered: 01/31/2013)
02/01/2013	<u>15</u>	PRO HAC VICE APPOINTED: Johnathan K. Yazdani appearing for Plaintiff Gametek LLC, Counter Defendant Gametek LLC.(vam)(jrd) (Entered: 02/01/2013)
02/01/2013	<u>16</u>	PRO HAC VICE APPOINTED: Stephen F. Schlather appearing for Plaintiff Gametek LLC, Counter Defendant Gametek LLC.(vam)(jrd) (Entered: 02/01/2013)
02/11/2013	<u>17</u>	NOTICE of Party With Financial Interest by Funzio USA, Inc., Funzio, Inc., Gree International, Inc. (Lo, Jason) (knb). (Entered: 02/11/2013)
02/12/2013	<u>18</u>	NOTICE of Non-Compliance with Local Rule 5.1(a) Legibility, re <u>17</u> Notice of Party With Financial Interest filed by Funzio, Inc., Funzio USA, Inc., Gree International, Inc. (knb) (Entered: 02/12/2013)
02/20/2013	<u>19</u>	Minute Entry for proceedings held before Magistrate Judge Ruben B. Brooks: An early neutral evaluation conference and case management conference were held. A telephonic, attorneys-only settlement conference is set for June 13, 2013, at 8:30 a.m. Signed by Magistrate Judge Ruben B. Brooks on 2/20/2013.(knb) (Entered: 02/20/2013)
02/27/2013	<u>20</u>	Amended Case Management Conference Order Regulating Discovery and Other Pretrial Proceedings. Claims Construction Hearing set for 9/19/2013 09:30 AM before Judge Roger T. Benitez. Memorandum of Contentions of Fact and Law due by 6/23/2014. Proposed Pretrial Order due by 7/14/2014. Final Pretrial Conference set for 7/21/2014 10:30 AM before Judge Roger T. Benitez. Signed by Magistrate Judge Ruben B. Brooks on 2/20/2013.(knb)(jrl). Modified to add hearings and deadlines on 3/8/2013 (knb). (jrl). (Entered: 02/27/2013)
03/22/2013	<u>21</u>	NOTICE of Appearance by Spencer Winston Ririe on behalf of Funzio USA, Inc., Funzio, Inc., Gree International, Inc. (Ririe, Spencer) (knb). (Entered: 03/22/2013)
03/25/2013	<u>22</u>	NOTICE of Non-Compliance with Local Rule 5.1(a) Legibility, re <u>21</u> Notice of Appearance filed by Funzio, Inc., Funzio USA, Inc., Gree International, Inc. (knb) (Entered: 03/25/2013)
03/25/2013	<u>23</u>	NOTICE of Appearance by Spencer Winston Ririe on behalf of Funzio USA, Inc., Funzio, Inc., Gree International, Inc. (Ririe, Spencer) (knb). (Entered: 03/25/2013)
04/15/2013	<u>24</u>	Joint MOTION for Protective Order by Gametek LLC. (Edmonds, John) (knb). (Entered: 04/15/2013)

		04/15/2013)
04/22/2013	<u>25</u>	ORDER Granting <u>24</u> Joint Motion for Entry of Protective Order. Signed by Magistrate Judge Ruben B. Brooks on 4/18/2013. (knb)(jrd) (Entered: 04/22/2013)
04/25/2013	<u>26</u>	MOTION to Change Venue <i>to the Northern District of California</i> by Funzio USA, Inc., Funzio, Inc., Gree International, Inc. (Attachments: # <u>1</u> Memo of Points and Authorities, # <u>2</u> Declaration of Gregory Koll, # <u>3</u> Declaration of Cassandra Gaedt, # <u>4</u> Exhibit A–I to Declaration of Cassandra Gaedt, # <u>5</u> Exhibit J–P to Declaration of Cassandra Gaedt)(Lo, Jason)(knb). (Entered: 04/25/2013)
05/13/2013	<u>27</u>	Joint MOTION to Continue <i>Hearing Date for Funzio's Motion to Transfer</i> by Gametek LLC. (Edmonds, John)(knb). (Entered: 05/13/2013)
05/20/2013	<u>28</u>	Second Joint MOTION to Continue <i>Hearing Date for Defendant Funzio's Motion to Transfer</i> by Gametek LLC. (Edmonds, John) (knb). (Entered: 05/20/2013)
05/23/2013	<u>29</u>	ORDER: (1) Granting <u>28</u> Second Joint Motion to Continue Hearing Date for Defendant Funzio's Motion to Transfer; (2) Denying as Moot <u>27</u> First Joint Motion to Continue Hearing Date for Defendant Funzio's Motion to Transfer. The hearing date for Funzio's Motion to Transfer to the Northern District of California (Docket No. 26) is rescheduled to June 17, 2013, at 10:30 a.m. Signed by Judge Roger T. Benitez on 5/23/2013. (knb) (jrl). (Entered: 05/24/2013)
05/24/2013	<u>30</u>	Joint MOTION to File Documents Under Seal by Gametek LLC. (Edmonds, John) Modified on 5/28/2013 atty contacted re: wrong event selected; modified text; atty to immediately e–file sealed lodged proposed docs(leh). (Entered: 05/24/2013)
05/29/2013	<u>31</u>	ORDER Granting <u>30</u> Motion to File Documents Under Seal. Signed by Judge Roger T. Benitez on 5/29/2013. (leh) (Entered: 05/29/2013)
06/03/2013	<u>32</u>	[FILED AS SEALED DOCUMENT ON 6/3/2013] – SEALED LODGED Proposed Document re: <u>30</u> MOTION to File Documents Under Seal. Document to be filed by Clerk if Motion to Seal is granted. (With attachments)(Edmonds, John)(leh). Modified on 6/4/2013 to add file date to lodgment (leh). (Entered: 06/03/2013)
06/03/2013	<u>33</u>	RESPONSE in Opposition re <u>26</u> MOTION to Change Venue <i>to the Northern District of California</i> [REDACTED COPY] filed by Gametek LLC. (Attachments: # <u>1</u> Exhibit 1–Declaration of Clayton Haynes, # <u>2</u> Exhibit 2– Redacted Copy of Koll Deposition, # <u>3</u> Exhibit 3–District Court Case Statistics, # <u>4</u> Declaration of Johnathan K. Yazdani)(Edmonds, John) (knb). (Entered: 06/03/2013)
06/10/2013	<u>35</u>	REPLY to Response to Motion re <u>26</u> MOTION to Change Venue <i>to the Northern District of California</i> filed by Funzio USA, Inc., Funzio, Inc., Gree International, Inc. (Attachments: # <u>1</u> Declaration of Cassandra Gaedt, dated June 10, 2013, # <u>2</u> Exhibit A to Declaration of Cassandra Gaedt, dated June 10, 2013)(Lo, Jason) (knb). (Entered: 06/10/2013)
06/11/2013	<u>36</u>	Minute Order issued by the Honorable Roger T. Benitez: Submitting <u>26</u> MOTION to Change Venue <i>to the Northern District of California</i> . Court to issue written Order. Motion Hearing date of 6/17/2013 10:30AM is hereby vacated. (no document attached) (gxr) (Entered: 06/11/2013)
06/13/2013	<u>37</u>	Minute Entry for proceedings held before Magistrate Judge Ruben B. Brooks: Telephonic Attorneys–Only Settlement Conference held on 6/13/2013. A Telephonic Attorneys–Only Settlement Conference set for 9/5/2013 08:30 AM before Magistrate Judge Ruben B. Brooks. Signed by Magistrate Judge Ruben B. Brooks on 6/13/2013.(knb)(jrd) (Entered: 06/13/2013)
06/17/2013	<u>38</u>	JOINT HEARING STATEMENT by Funzio USA, Inc., Funzio, Inc., Gree International, Inc. (Lo, Jason) (knb). (Entered: 06/17/2013)

06/17/2013	<u>39</u>	JOINT CLAIM CONSTRUCTION CHART by Funzio USA, Inc., Funzio, Inc., Gree International, Inc. (Lo, Jason) (knb). (Entered: 06/17/2013)
06/17/2013	<u>40</u>	JOINT CLAIM CONSTRUCTION WORKSHEET by Funzio USA, Inc., Funzio, Inc., Gree International, Inc. (Lo, Jason) (knb). (Entered: 06/17/2013)
06/25/2013	<u>41</u>	AMENDED DOCUMENT by Funzio USA, Inc., Funzio, Inc., Gree International, Inc. Amendment to <u>26</u> MOTION to Change Venue <i>to the Northern District of California (Amendment Only to Declaration of Gregory Koll)</i> . (Attachments: # <u>1</u> Declaration of Gregory Koll (Corrected))(Lo, Jason) (knb). (Entered: 06/25/2013)
06/28/2013	<u>42</u>	Case transferred to District of California – Northern. Files transferred electronically to: *District of California – Northern*. *450 Golden Gate Avenue, 16th Floor**San Francisco, CA 94102–3434*. Signed by Judge Roger T. Benitez on 6/27/2013. (Attachments: # <u>1</u> Transfer Order) (knb) (Entered: 06/28/2013)